IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21761 of 2004

Between:

1 K. Praveen Kumar, E-303312, S/o. Ratnaiah,
Employee in APSRTC, Working at Rajendranagar Depot
R/o. Rajendranagar, Rangareddy District.
2 K. Siva Ramakrishnaiah, E-253078, S/o. Rammohan Rao,
Employee in APSRTC, Working at Rajendranagar Depot
R/o. Rajendranagar, Rangareddy District.

..... PETITIONERS

AND

1 The APSRTC, Rep by its Regional Manager Ranga Reddy Region, At MGBS, Hyderabad.
2 The APSRTC, Rep by its Depot Manager Rajendranagar, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents herein in not granting the selection grade scale stagnation increment to the petitioner on completion of 12 years service as illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of their transfer from one region to other from the date of initial appointment and to pay the arrears by refixing the pay of the petitioners forthwith.

Counsel for the Petitioners:MR.S.M.SUBHAN

Counsel for the Respondent No.: MR.V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission made the following ORDER:

The petitioners 1 and 2 are working in the respondent-Corporation. The counsel for the petitioners contends that they have been working continuously for more than 12 years. Therefore, they are entitled to get stagnation increments on completion of 12 years of service. It is his further contention that though they made representations for release of stagnation increments, their requests were not considered. The petitioners therefore approached this Court seeking to declare that they are entitled for stagnation increments on completion of 12 years of service, which they had already completed long prior to the date of the writ petition. A similar question arose for consideration in W.P.No.5726 of 2000 and it was also considered in Writ Appeal No.1301 of 2000 by a Division Bench of this Court which was preferred against the order in the above writ petition and the Division Bench held that the employees, who have completed 12 years of service in the same category irrespective of their transfers, are entitled for stagnation increments and accordingly directed to consider the cases of the petitioners in the Writ Petition No.5726 of 2000.

In the light of the circumstances explained by the petitioners and in the light of the judgment of the Division Bench in the above Writ Appeal, the respondents are directed to examine whether the petitioners have completed the period of 12 years in the same category irrespective of their transfer and on satisfying that they completed 12 years of service, extend them the benefit of the stagnation increment and pass appropriate orders within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

06.12.2004

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To

1. The Regional Manager, APSRTC, Ranga Reddy Region, At MGBS,

Hyderabad.
2. The Depot Manager, APSRTC, Rajendranagar, Ranga Reddy District.

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